

**NOMINATION REQUIREMENTS – PRESIDENT/VICE PRESIDENT
MARCH 2, 2004 PRIMARY ELECTION**

Between October 4 and November 3, 2003 (E-150 to E-120), the Secretary of State announces the names of the candidates of the Republican, American Independent, Green, Libertarian, Natural Law, Peace and Freedom Parties he has selected to appear on the March ballot for the office of President. §§6340-6342, 6520-6522, 6720-6724

Between October 4 and December 30, 2003 (E-150 to E-63), the Secretary of State announces the names of the candidates of the Democratic Party he has selected to appear on the March ballot for the office of President. §§6041-6043

Selection is based on any combination of several criteria, including but not limited to:

- Being generally recognized as seeking the office
- Qualifying for federal matching funds
- Appearing in public opinion polls, candidates' forums, debates, etc.
- Being on the ballot in other states' primaries
- Actively campaigning in California
- Having a campaign office in California

Candidates not selected by the Secretary of State may qualify by circulating petitions statewide to gather signatures of voters registered in their party. There are no specified forms for presidential nomination papers; however, suggested formats are available from the Secretary of State and the county elections officials.

- Democratic candidates must gather signatures in each of the state's 53 congressional districts, equal in number to 1% of the district's Democratic registration or 500, whichever is fewer. The period for circulating nomination petitions is November 3 to December 30, 2003 (E-120 to E-63). §§6061, 6101, 6108, 6122
- Republican, American Independent, Green, Libertarian, Natural Law, and Peace and Freedom Party candidates must gather signatures equal in number to 1% of their party's statewide registration total; signatures may be gathered anywhere in the state. The period for circulating nomination petitions is November 19 to December 19, 2003 (E-104 to E-74). §§6343, 6360, 6365, 6382, 6568, 6581, 6586, 6587, 6591, 6781, 6786, 6787, 6791

By the 120th day before the election, the chairperson of each qualified party must notify the Secretary of State of the number of delegates to represent California at the party's national nominating convention. Prior to the primary election, each candidate must file a slate of the requisite number of delegates for his/her party, selected according to the party's requirements.

§§6020, 6023, 6320, 6321, 6540, 6541, 6740, 6741, 6744, 6745, 6763

NOMINATION REQUIREMENTS
MARCH 2, 2004 PRIMARY ELECTION
(US Senator, Representative in Congress, Member of the State Legislature)

Declarations of Intention -- State Legislative Offices

Candidates for State Senator and Member of the Assembly must file a declaration of intention to become a candidate prior to filing their nomination documents. A declaration is not required of candidates for President, United States Senator or Representative in Congress.

Candidates may obtain the declaration of intention from the county elections official or the Secretary of State. A candidate must file the declaration either with the county elections official of the county in which the candidate is a resident or with the Secretary of State during the period of October 27 through November 5, 2003. The nonrefundable filing fee for the office must also be paid at the time the declaration of intention is filed. If payment is by petitions in lieu of filing fee, the candidate must file the required number of in-lieu signatures by November 5, 2003¹. A candidate may file a declaration of intention (along with filing fee) for more than one office.

§§8022, 8103, 8105

NOTE: Even though they do not file nomination papers until June 7 through August 6, 2004, independent candidates for state legislative office must also file declarations of intention during the October 27-November 5, 2003 filing period.

§8350

(See also "Pre-Campaign Candidate Intention Requirements" on page 2-5.)

Nomination Documents --Declaration of Candidacy and Nomination Papers

All candidates for offices other than President/Vice President at the direct primary election must file a declaration of candidacy and nomination papers with the county elections official. Candidates may file a declaration of candidacy for only one office. A candidate shall not remove a declaration of candidacy form from the office of the elections official; the elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the elections office. However, a candidate may submit a signed and dated written statement designating a person to receive a declaration of candidacy form from the county elections official for the candidate or for the county elections official to provide the candidate with a declaration of candidacy and nomination papers. These statements shall include language explaining that the candidate is aware that the declaration of candidacy and nomination papers must be properly executed and delivered to the county elections official of the county of the candidate's residence by 5 p.m. on December 5, 2003.

§§8020, 8028, 8040, 8041, 8060, 8101, 8105

Forms

Both the Secretary of State and the county elections official may provide the declaration of intention and petition-in-lieu-of-filing-fee forms to a candidate, who may obtain them prior to paying the

¹ To compensate for deficient signatures submitted on petitions by November 5, 2003, the candidate shall either submit additional petitions or pay a pro rata portion of the filing fee by December 5, 2003.

filing fee. Only the declaration of intention may be returned to the Secretary of State for filing; declarations filed with the Secretary of State must be accompanied by the filing fee, paid in full by cash, check, money order, or credit card. Candidates who intend to pay all or part of their filing fee with signatures must file the declaration of intention with the elections official of the county in which he/she resides and the signature-in-lieu-of-filing-fee petitions with the elections official of the county in which the signatures were gathered. The Secretary of State cannot accept signatures in lieu of filing fees.

All other forms required for nomination and election to statewide, congressional, and legislative offices (declaration of candidacy, nomination petition) shall be furnished by and returned to the county elections official of the candidate's county of residence, who shall forward them to the Secretary of State for filing.

At the time of issuing any candidate forms, the officer providing the form shall:

- 1) type on the forms the name of the candidate and the office for which he/she is a candidate,
- 2) imprint a stamp on the form that reads "Official Filing Form," and
- 3) affix his/her signature on the form.

The forms shall be distributed to all candidates applying for them upon the payment of the filing fee; however, signatures-in-lieu and declaration of intention forms are available without first paying the filing fee. **All filing fees are nonrefundable.** §§8101-8106

Party Affiliation of Candidates for Partisan Office

No candidate shall file a declaration of candidacy for a partisan office unless:

- (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he/she has been eligible to register to vote in the state, the candidate is shown by his/her affidavit of registration to be affiliated with the political party whose nomination he/she seeks, and
- (2) within 12 months immediately prior to the filing of the declaration, the candidate has not been registered with a qualified political party other than that political party whose nomination he/she seeks. §8001(a)

This party affiliation requirement is not applicable for candidates of political parties participating in their first direct primary election subsequent to their qualification as political parties. §8001(b)

The county elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party whose nomination he/she seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the 12-month period immediately preceding the filing of the declaration. The provisions of this section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to the provisions of Section 5100. §8001(b)

"Party" means a political organization that has qualified for participation in any primary election. The parties qualified to participate in the March 2, 2004 Primary Election at the time this document was published are: (1) Democratic, (2) Republican, (3) American Independent, (4) Green, (5) Libertarian, (6) Natural Law, and (7) Peace and Freedom. §338

Petition in Lieu of Filing Fee

A candidate may submit a petition containing signatures of registered voters in lieu of paying the filing fee in order to run for office. The signatures submitted may cover all or a portion of the filing fee. Any registered voter who is a resident of the jurisdiction may sign an in-lieu filing fee petition for any candidate for whom he or she is eligible to vote. However, candidates using Elections Code §8106(a)(6) provisions are limited to signatures from members of their own parties. §8106

For legislative candidates, the last day to submit the petitions in lieu of filing fee to the elections official of the county in which the signatures were gathered is November 5, 2003. For all other candidates, the last day to turn in petitions in lieu of filing fee is November 20, 2003. No additional signatures may be filed after the filing date, but supplemental signatures may be filed to replace signatures in the original filing that were found to be invalid. That portion of the filing fee not covered by the signatures must be paid in full before the nomination documents may be filed. §§8105-8106

Petition in Lieu of Filing Fee and/or Nomination Paper

If a candidate submits a petition in lieu of filing fee, the candidate may request that the county elections official count all valid signatures appearing on the petition toward the number of sponsor signatures required for the candidate's nomination paper provided the signers are registrants of the same party as the candidate. If the petition in lieu of filing fee contains the requisite number of valid signatures required for the nomination paper, the candidate is not required to circulate and file a nomination paper, but may request the county elections official to accept the petition in lieu of filing fee as a nomination paper. If the petition in lieu of filing fee does not contain the requisite number of valid signatures required for the nomination paper, the candidate may still circulate and file a nomination paper to be signed by qualified registered voters of his or her party during the nomination period. The candidate may request the county elections official to apply the number of valid signatures on the petition in lieu of filing fee toward, and combine them with, the valid number of signatures on the nomination paper to satisfy the signature requirement for the office. The nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§8020, 8040, 8041, 8061, 8062, 8106

NOTE: Even though the candidate has submitted sufficient valid signatures on petitions in lieu of filing fee to satisfy the nomination requirement, he/she must still file a declaration of candidacy during the nomination period.

Pre-Campaign Candidate Intention Requirements

Any individual who intends to be a candidate for elective state office shall:

- A. File with the Secretary of State's Political Reform Division a statement of intention to be a candidate for a specific office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including personal funds used for campaign purposes. Govt. Code §85200
- B. Establish one campaign contribution account at an office of a financial institution located in the state upon filing of the statement of intention.
 - 1. The name of the financial institution, the location, and the account number shall be filed with the Secretary of State's Political Reform Division within 10 days of establishing the account (Form 502).
 - 2. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account.
 - 3. Any personal funds that will be used to promote the election of the candidate shall be deposited in the account prior to expenditure.
 - 4. All campaign expenditures shall be made from the account. Govt. Code §85201
- C. Exceptions
 - 1 Parts B3 and B4, above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds. Govt. Code §§85200, 85201(f)
 - 2 Part B, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Govt. Code §85201(g)

Additional Filing Requirements

Under the provisions of Proposition 34 adopted by voters in November of 2000, all candidates for state legislative office in 2004 may agree to abide by voluntary spending limits. Candidates for state legislative office who accept these voluntary spending limits will be afforded the opportunity to purchase space in the sample ballots of each of the counties in the jurisdiction for a 250-word candidate statement. The Form 501, "Candidate Intention Statement", must be filed before receiving any campaign contributions.

All candidates for state legislative office who raise or spend \$50,000 or more must file their contribution and expenditure reports electronically and on paper. Logon instructions and approved electronic filing vendors are posted on the Political Reform Division's page on the Secretary of States' website at www.ss.ca.gov.

Candidates may download all the latest campaign forms from the Fair Political Practices Commission's website at <http://www.fppc.ca.gov>, or the Secretary of State's website at <http://www.ss.ca.gov/prd/prd.htm>. Candidates may also call the Political Reform Division at (916) 653-6224. Please contact the Fair Political Practices Commission at (916) 322-5660 for all applicable contribution and spending limits as well as the latest online filing requirements.